

May 08, 2019

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

8 KAREN E.,  
9 Plaintiff,  
10 v.  
11 COMMISSIONER OF SOCIAL  
12 SECURITY,  
13 Defendant.

No. 1:18-cv-03152-SAB

**ORDER ADOPTING R**  
**AND RECOMMENDA**

## **ORDER ADOPTING REPORT AND RECOMMENDATION**

On March 20, 2019, Magistrate Judge Mary K. Dimke issued a Report and Recommendation to Grant the Parties' Stipulated Motion for Remand Pursuant to Sentence Four of 42 U.S.C. § 405(g). ECF No. 21. No timely objections to the Report and Recommendation were filed.

20 // 21 // 22 // 23 // 24 // 25 // 26 // 27 // 28 //

1 Accordingly, **IT IS HEREBY ORDERED:**

2 1. The Court **adopts** Magistrate Judge Dimke's Report and

3 Recommendation, ECF No. 21, in its entirety.

4 2. The parties' Stipulated Motion for Remand, ECF No. 20, is **GRANTED**.

5 3. The decision denying benefits is **REVERSED** and **REMANDED** for  
6 further administrative proceedings. On remand, the Administrative Law Judge  
7 ("ALJ") shall further develop the record, update the medical records, and issue a  
8 new decision. The ALJ shall also:

- 9 • Consider the nature and severity of Plaintiff's migraines;
- 10 • Reconsider Plaintiff's residual functional capacity;
- 11 • Obtain vocational expert testimony; and
- 12 • Offer Plaintiff the opportunity for a hearing, take any action needed  
13 to complete the administrative record, and issue a new decision.

14 4. This remand is made pursuant to 42 U.S.C. § 405(g).

15 5. Plaintiff's Motion for Summary Judgment, ECF No. 15, is **DISMISSED**

16 **as moot.**

17 6. Upon proper presentation, this Court shall consider Plaintiff's application  
18 for fees and expenses under the Equal Access to Justice Act, 28 U.S.C. § 2412(d).

19 7. The District Court Executive is directed to enter judgment in favor of  
20 Plaintiff and against Defendant.

21 **IT IS SO ORDERED.** The District Court Executive is hereby directed to  
22 file this Order, provide copies to counsel, enter judgment, and close this file.

23 **DATED** this 8th day of May 2019.



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26 Stanley A. Bastian  
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28 Stanley A. Bastian  
United States District Judge